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LETTER DATED 5 AUGUST 1998 FROM THE EXECUTIVE CHAIRMAN OF THE SPECIAL COMMISSION ESTABLISHED BY THE SECRETARY-GENERAL PURSUANT TO PARAGRAPH 9 (b) (i) OF SECURITY COUNCIL RESOLUTION 687 (1991) ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

On 16 June 1998, I addressed a letter to the President of the Security Council (S/1998/529), submitting a report on my visit to Baghdad from 11 to 15 June. In that report I indicated that a schedule for work had been agreed with the Deputy Prime Minister of Iraq. The schedule was designed to try to resolve, during the ensuing two months, most of the outstanding priority issues of disarmament of Iraq for which the Special Commission had a responsibility.

In my June report, I indicated that the results achieved under the schedule for work would be assessed by the Deputy Prime Minister and me during the next round of talks to be held in early August 1998. It was hoped that, depending upon the results of those discussions, further work could be agreed upon by both sides, as necessary, before the presentation of the next biannual report by the Commission to the Council, in October 1998.

The round of talks was held at Baghdad on 3 August 1998. During those talks, I gave the Commission's assessment of the important progress achieved since June, and what remained to be done. I proposed to address substantive disarmament issues which remained outside the June schedule of work, such as VX, concealment and the implications of the document recently found, which relates to the verification in the chemical weapons area, with a view to their solution. I also proposed a further work programme for the immediate future. This was directed at bringing remaining issues in the missile and chemical weapons areas to closure.

The Deputy Prime Minister rejected both proposals. He insisted that I should report immediately to the Security Council that there were no more proscribed weapons and related materials in Iraq. I indicated that I regretted I was not in a position to do so. For reasons well known to the Deputy Prime Minister, the Commission did not yet have the evidence to verify that Iraq has carried out all the actions contemplated in the relevant disarmament paragraphs of resolution 687 (1991). A report by me with unverified conclusions on Iraq's compliance would have no credibility. It would therefore not achieve Iraq's objective of decisions by the Council to lift the oil embargo and other

sanctions. In his response, the Deputy Prime Minister stated that he saw no utility in continuing working with the Commission on these issues.

I asked whether we should meet again the following day. The Deputy Prime Minister said that that would only have point if I were prepared to agree to his demand that I report to the Council that Iraq had no proscribed weapons and related materials. I repeated that I was not in a position to meet his demand.

Under the circumstances, I judged that the best course of action was to report immediately to the Council. I gave the Deputy Prime Minister the undertaking that I would include in my report an accurate statement of Iraq's position.

A report on the discussions is attached (see annex). I would be most grateful if you could bring the present letter and its annex to the attention of the members of the Security Council.

I stand ready to brief you and the Council, at your convenience, following my return to New York.

I believe this matter requires the further attention of the Council. I am still convinced that, with a full disclosure and honest cooperation from Iraq, the Commission would be able to conclude its disarmament obligations in a short period of time.

(Signed) Richard BUTLER

Annex

Report by the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991), on his mission to Baghdad, 2-4 August 1998

I. INTRODUCTION

1. The Executive Chairman of the United Nations Special Commission (UNSCOM) visited Baghdad from 2 to 4 August 1998. He was accompanied by the Deputy Executive Chairman, Mr. Charles Duelfer, and three Commissioners: Mr. Pål Aas (Norway), Mr. Jack Ooms (Netherlands) and Mr. Zhou Fei (China), as well as a team of senior technical and policy officers from the Commission's Executive Office in New York.

2. Two plenary meetings took place on 3 August. The Iraqi delegation was led throughout by the Deputy Prime Minister, Mr. Tariq Aziz. He was supported by a delegation that included Mr. Muhammad Saeed Al-Sahaf, Minister for Foreign Affairs, Mr. Abdel Diaf Taiwiesh, Director of the Military Industrialization Corporation, Lt. General Amer Rashid, Minister of Oil, Mr. Ahmed Mutharda, Minister of Transportation and Communications, Lt. General Amer Al Sa'adi, Counsellor to the Presidency, General Hossam Amin, Director of Iraq's National Monitoring Directorate, Mr. Riyadh Al-Qaysi, Under-Secretary, Ministry for Foreign Affairs, Ambassador Nizar Hamdoon, the Permanent Representative of Iraq to the United Nations, and other officials.

II. DISCUSSIONS

3. At the first plenary meeting, on the morning of 3 August, the Executive Chairman, at the invitation of the Deputy Prime Minister, gave the Commission's assessment of what had been carried out under the schedule for work established in June 1998 (see S/1998/529, appendix II), what had been achieved during the past two months, and what remained to be done. Concrete proposals for next steps were also offered. Following on the Chairman's remarks, the Deputy Prime Minister gave Iraq's response. Thereafter, the meeting was adjourned. During the evening of the same day further exchanges of view between the Deputy Prime Minister and the Executive Chairman took place.

III. ASSESSMENT BY THE EXECUTIVE CHAIRMAN OF THE IMPLEMENTATION OF THE SCHEDULE FOR WORK

4. In his initial remarks, the Executive Chairman reported that the Commission had carried out all of the tasks assigned to it under the schedule for work. While this had been done with the cooperation of Iraq, Iraq had, unfortunately, not provided all of the new information and documents which the Commission had requested and which would have greatly assisted efforts to bring the disarmament issues to closure.

5. In respect of each of the weapons areas, the Chairman gave the following assessment of the implementation of the schedule for work:

Missiles

6. The Executive Chairman stated that, in the missile warheads area, important progress had been achieved since the June meetings. A final assessment and accounting had begun.

7. The Commission was able to account for the destruction of between 43 and 45 of the 45 operational special warheads declared by Iraq as having been unilaterally destroyed in 1991. This constituted a major accomplishment.

8. It was necessary to note, however, that the discovery of the VX degradation products on some special warhead remnants could affect the accounting of special warheads. The VX issue needed to be resolved for the Commission to be in a position to assess if the current accounting of special warheads was sufficient to verify fully both the declared production of proscribed special warheads and their unilateral destruction.

9. Significant progress was also made in the accounting of proscribed conventional warheads, both imported and indigenously produced by Iraq. Iraq was asked to state whether the current accounting was final, or if further work would close the gaps. No answer was provided by Iraq.

10. A variety of issues related to the status of indigenous missile production, the material balance of some major components and the unilateral destruction thereof were reviewed in depth by a team of UNSCOM's experts. Those experts were still at work in Iraq at the time of the 3 August meeting.

11. Considerable progress had been achieved in the development of a rough material balance of components for engine production. Accordingly, the Executive Chairman expressed his satisfaction with the results achieved in the implementation of the schedule for work in this area.

12. In order to be able to state confidently that all proscribed weapons produced or acquired by Iraq have been destroyed, the Commission needed to be able to verify relevant elements of Iraq's declarations. In this context, the unilateral destruction activities, as declared by Iraq, do not match, in all cases, the evidence available to the Commission. This applies to special warheads and some elements of the indigenous production.

13. Iraq still needed to account for the unilateral destruction of proscribed missile propellants. The Commission reiterated its offer of a quick and accurate solution to this issue through the provision of existing documentation.

14. Regrettably, a promising effort to clarify some of the problems related to Iraq's actions of 1991 to hide proscribed warheads was terminated by the Iraqi side, through the refusal to discuss the issue further, just prior to the Executive Chairman's visit.

15. The Executive Chairman presented to the Deputy Prime Minister a suggested accelerated programme of work for the weeks prior to the submission of the October report of the Commission to the Council. This schedule included: the provision by Iraq of clarifications on the outstanding issues in the warheads area; a meeting of experts on this issue; and an inspection to verify accountable aspects of the material balance and the unilateral destruction of major components for indigenous production.

Chemical weapons

16. An expert meeting took place in mid-July, at Baghdad, in order to discuss with Iraq the results of the chemical analysis which had identified VX degradation products in samples of remnants of special warheads unilaterally destroyed by Iraq. After the review of the available results, the international experts judged, unanimously, that the analytical results were valid.

17. At the meeting, Iraq did not provide any technical explanation on a source of the degradation products of VX found in the samples. Instead, Iraq continued to state that it had never weaponized VX.

18. In the end, Iraq said that it would be possible to explain the presence of such degradation products, but that "the Commission would not like such an explanation". No explanation, however, was forthcoming.

19. Iraq did not provide its final declaration on the accounting for missing 155-mm mustard-filled shells. Iraq presented, verbally, a progress report on its investigation to locate remnants of munitions which were claimed to have been lost after the Gulf war. Further steps were agreed at the expert level necessary to achieve a reasonable accounting for these munitions.

20. On the issue of the accounting for R-400 aerial bombs, Iraq provided, in July, new documents on the disposition of the key components of these weapons, as well as some relevant clarifications. The documentation was reviewed by the Commission and found to be satisfactory. Accordingly, it was concluded that a further inspection could be able to make a final accounting. For this to prove to be the case, Iraq would have to provide data enabling UNSCOM to resolve the problem of the distribution of chemical and biological warfare agents in this type of aerial bomb.

21. On the issue of the movement of some equipment for the production of chemical weapons, Iraq provided explanations on the events under investigation. The explanation of movement of prohibited equipment found and destroyed in 1997 is important to resolve uncertainty about chemical weapons concealment. In order to allow the Commission to verify this information, and thus quickly resolve the issue, Iraq was requested to provide supporting documentation pertaining to the movement.

Biological weapons

22. In accordance with the schedule for work, a group of international and UNSCOM experts met in July 1998 at Baghdad with their Iraqi counterparts to review Iraq's declaration of full, final and complete disclosure of its

proscribed biological programme. This was the third such review by international experts since September 1997, when Iraq presented the current declaration of full, final and complete disclosure.

23. No new material was presented by Iraq at the meeting. While following a different methodology from the earlier efforts, once again, the international experts found that Iraq's declaration of full, final and complete disclosure was not adequate to allow for credible verification. This conclusion covered weapons, production of biological weapons agents and growth media.

24. The experts reported in the following terms:

(a) Weapons:

- None of the sub-components of the material balance of the R-400 aerial bombs (production, filling or destruction of filled or unfilled bombs) could be verified;

- None of the sub-components of the material balance of the Al-Hussein warheads filled with biological agents (production, filling or destruction) could be verified;

- The account of the drop tanks and the so-called "Zubaidi" spray device could not be verified;

(b) Production of agents:

- None of the sub-components of the material balance of the Clostridium botulinum toxin (production, filling, losses or destruction) could be verified;

- None of the sub-components of the material balance of the Bacillus anthracis spores (production, filling, losses or destruction) could be verified;

- None of the sub-components of the material balance of Aflatoxin (production, filling, losses or destruction) could be verified;

- None of the sub-components of the material balance of the wheat cover smut (production, losses or destruction) could be verified;

(c) Growth media:

- None of the sub-components of the material balance of the growth media (acquisition/procurement, use, losses or destruction) could be verified.

25. Although none of the sub-components of the material balance could be verified, there were some limited features of the Iraqi declaration that could be confirmed. However, no new material was presented by the Iraqi side.

26. It is clear that, unless additional supporting evidence is provided by Iraq for all the outstanding issues, the international experts could not see a solution to the very great and fundamental problems of the verification of Iraq's current declaration of full, final and complete disclosure.

27. The experts recommended that no further verification and/or assessment of Iraq's biological declaration of full, final and complete disclosure be conducted until Iraq commits itself to provide new and substantive information. They said that any other approach would be a waste of time.

IV. OTHER ISSUES

28. The Executive Chairman said that, in the June 1998 discussions, certain issues had been set aside from the schedule for work. They had been reserved for further discussions.

29. One such issue of importance was Iraq's programme for the chemical nerve agent VX. The Chairman suggested that this issue could be addressed during the current discussions, or taken up later when test results from laboratories in France and Switzerland were available. The Chairman left it open for Iraq to decide whether to take the issue up immediately or later.

30. A further issue related to the accounting for outstanding quantities of scud specific missile propellant. It would be helpful if this matter could be addressed during the current meetings.

31. The Executive Chairman also noted that concealment remained to be addressed.

V. THE RESPONSE OF THE DEPUTY PRIME MINISTER

32. Mr. Tariq Aziz said that it was of the utmost importance to distinguish between those issues which were major, and thus needed to be resolved before the disarmament requirements of Security Council resolution 687 (1991) were met, and those which were minor, and could be pursued in the monitoring phase of the Commission's operations.

33. Mr. Tariq Aziz said that, in fact, only two questions needed to be answered, in order for the Council to be able to act under paragraph 22 of Security Council resolution 687 (1991) to lift the oil embargo.

34. These were: whether Iraq retained any weapons of mass destruction, including long-range missiles; and whether Iraq retained capabilities for their production.

35. Mr. Tariq Aziz said that the answers to both of those questions were clearly in the negative. This had been established for a long time. Furthermore, any dual-use equipment retained in Iraq was under rigorous and intrusive monitoring.

36. The Deputy Prime Minister stated, indeed repeatedly, that the Commission had deliberately created an artificial confusion between major and minor issues in order to delay the lifting of sanctions.

37. Mr. Tariq Aziz stated that the Commission and its experts had been neither honest nor quick in their work of verification. In its persistent demands to reconstitute the facts of Iraq's unilateral destruction of proscribed weapons and materials in the second half of 1991, the Commission was playing a game which had the aim of delaying the closure of the disarmament files. Likewise, the Commission's never-ending demands for documents was part of the endless game.

38. Mr. Tariq Aziz stated that the whole or fundamental approach of the Commission to the issue of the verification of Iraq's declarations and disclosures was the main reason for the endless delays.

39. On the issue of VX, Mr. Tariq Aziz confined his response to statements to the effect that it was illogical for Iraq not to declare VX-filled warheads when it had already declared "more deadly" anthrax warheads. Anyhow, the VX issue related to destroyed weapons. He was sure that a "chemical" explanation could be found by Iraqi experts. He said he would not discuss it further with the Commission but that Iraq would present its case on VX to the international community.

40. On the recent meetings of international experts to assess Iraq's declaration in respect of the biological weapons area, Mr. Tariq Aziz accused the Commission of having "brainwashed" the international experts "in a sinister atmosphere".

41. The approach to verification of Iraq's biological declaration, adopted by the Commission, had been entirely wrong. It had been based on a Western approach and on Western standards. Iraq was a developing country and its efforts should be judged in this light.

42. Mr. Tariq Aziz repeated Iraq's contention that its biological programme had been entirely obliterated in 1991. Furthermore, Iraq had never used biological weapons. He said that the Commission's experts had persistently ignored the issue of the degradability of biological agents, produced more than eight years ago, which would render them useless at the present time. Furthermore, in respect of Iraq's production and stocks of biological agents, the Commission had ignored the "first class" documents provided to the Commission by Iraq.

43. The Deputy Prime Minister asked, if Iraq's declaration on its biological weapons programme was unverifiable, as asserted by the Commission, why had the Commission destroyed the Al-Hakam facility?

44. The Deputy Prime Minister said that the Commission's approach implemented the wish of the United States of America and the United Kingdom of Great Britain and Northern Ireland to maintain sanctions. The Executive Chairman rejected those assertions.

45. In the missile area, the Deputy Prime Minister said that the Commission was endlessly prolonging the process by asking irrelevant and trivial questions, and by demanding documents on irrelevant and trivial matters. He later showed an edited videotape of an inspector asking what he deemed examples of trivial questions.

46. The Deputy Prime Minister also rejected the Executive Chairman's suggestion that the issue of accounting for missing proscribed missile propellant should be addressed now. He said it was a minor issue that could be addressed at a later stage during monitoring.

47. In summing up his position, the Deputy Prime Minister repeatedly called upon the Executive Chairman to report "the truth" to the Security Council - that Iraq had no proscribed weapons or capabilities in any of the areas within the mandate of the Commission. He said that the Chairman should not be swayed by his experts, who were not objective.

VI. THE RESPONSE OF THE EXECUTIVE CHAIRMAN

48. The Executive Chairman responded to Mr. Tariq Aziz's observations. In summary, he said that Iraq had no right to determine what was major and what was minor and what was needed to satisfy the Security Council's requirements. The Security Council had always intended that Iraq declare all its proscribed weapons and programmes, so that the Commission could verify them and then supervise their disposal. All of this was supposed to take 90 days.

49. The Executive Chairman said that the Commission would continue to implement its mandate as laid down by the Council. It could only do so with the cooperation of Iraq, but its work could be directed by the Security Council alone. He rejected charges that the Commission and its experts had been dishonest, slow and had deliberately created confusion. The responsibilities for delay lay elsewhere, as shown by the following key facts:

- From the very beginning, in April 1991, Iraq had taken a fundamental decision not to comply with the Council's requirements, through the adoption of a policy of concealment;

- From 1991 onwards, its declarations had not been full, final or complete;

- Iraq had immensely complicated the entire process of verification through unilateral destruction, which was conducted in contravention of the Council's requirements.

50. As an example of how Iraq's policy and practices had delayed the completion of the Commission's responsibilities in respect of disarmament issues, the Chairman referred to the destruction of Al-Hakam which had been raised by the Deputy Prime Minister:

- Until July 1995, Iraq had denied - and the Deputy Prime Minister had said that this had been done under his personal instructions - that it

had any offensive biological weapons programme. Iraq had also repeatedly denied that Al-Hakam was a facility for the production of biological warfare weapons;

- The Commission had come to its assessment of Al-Hakam as having played a crucial role in proscribed biological weapons activities in Iraq after conducting intensive verification work. This work included development of material balances of components including growth media, technical analysis and evaluation of equipment acquired by Iraq, consultations with international experts knowledgeable in weapons production, site inspections in Iraq and interviews with Iraqi personnel. Employment of these inspection and verification tools had proved to be valuable in obtaining solid and correct conclusions. These tools had been employed, both in respect of Al-Hakam and Iraq's biological warfare programmes as a whole, despite Iraq's continued arguments that the Commission was asking minor and trivial questions, that it was overlooking the basic facts, that it was too intrusive and that the Commission's experts lacked competence and were dishonest.

51. The Chairman rejected personal attacks which had been directed against the Commission's experts and officers. Those attacks were unworthy. They impugned the professionalism and integrity of the experts and other officers concerned.

52. On the issue of the Commission's requests for documents, the Executive Chairman stated that, in trying to put together a complete picture, as soon as possible, of Iraq's proscribed programmes, the Commission had frequently requested, but had been denied, documents known to exist. Those documents were in the possession of the Government of Iraq and could expedite the work of verification enormously. They were not trivial.

53. The difficulties encountered were illustrated by the most recent example cited in the Executive Chairman's letter of 22 July 1998 to the President of the Security Council which was brought informally to the attention of the members of the Council. In that case, Iraq had refused to accede to a request by a chief inspector to be furnished with a copy of a document highly pertinent to obtaining a verifiable material balance of Iraq's munitions filled with chemical or biological agents. This document had been placed under seal pending the Executive Chairman's visit to Baghdad. The President of the Council had requested the Permanent Representative of Iraq to ask the Government of Iraq to give the document to the Commission. The Chairman had asked that he be provided with that document or an authentic copy of it.

54. On Mr. Tariq Aziz's demand that the Executive Chairman report to the Council that Iraq no longer possessed any proscribed weapons or capabilities, the Chairman responded that he was unable to do this on the basis of the level of verification so far achieved. To do so would be contrary to his mandate and to the requirements of the Security Council. He was not permitted to make disarmament by declaration. He needed to base any finding on credible and solid evidence. If he were to do otherwise, members of the Council would challenge his claim that Iraq had no more proscribed weapons or capabilities. He needed the supporting evidence. Iraq alone could provide that evidence.

55. Nevertheless, the Chairman undertook to inform the Council of both Iraq's request that the Chairman report immediately that Iraq no longer had any proscribed weapons and capabilities and of the Chairman's reply to the Deputy Prime Minister.

VII. PROPOSAL FOR A FURTHER SCHEDULE OF WORK

56. The Executive Chairman proposed to Mr. Tariq Aziz that, for the rest of the visit, they both immediately undertake a serious consideration of a number of substantive issues that might help to clarify what remained and define the framework of solutions for outstanding problems: the issues related to VX and the unilateral destruction of special warheads. The Executive Chairman also requested that a copy of the document on the consumption of special munitions that Iraq had withheld from the Commission be returned and that both sides study the implications of its data on the verification in the chemical weapons area.

57. The Executive Chairman also proposed that both sides then proceed to the elaboration of a programme of intensive work for the next four to five weeks, that is, before the submission of the Commission's semi-annual report to the Security Council in October. He proposed to conduct specific meetings, inspections and the provision of documents on several issues related to the missile and chemical weapons areas.

58. These proposals were not accepted by the Deputy Prime Minister. He also rejected the Executive Chairman's request for an authentic copy of the document regarding Iraq's expenditure of non-conventional munitions during the Iran-Iraq war. He said that the document was irrelevant to the work of the Commission. The Commission's work related only to the Council agenda item concerning the situation between Iraq and Kuwait. It did not extend to the issue between Iraq and Iran. Iraq, he said, would never give it to the Commission.

VIII. IRAQ'S DECISION

59. Mr. Tariq Aziz stated that there were no more proscribed weapons and materials in Iraq. He asked the Executive Chairman to report that fact, unless the Chairman had any evidence to prove the contrary, in which case, the Chairman had to disclose it to Iraq.

60. The Deputy Prime Minister stated that if the Executive Chairman was not prepared to report immediately that Iraq was in compliance, and thus tell the truth, there was no reason to believe that he would do so in October. Therefore, the Deputy Prime Minister wondered why he should continue working with the Executive Chairman or UNSCOM experts. He would not engage with them in any further programme of work. It was "useless".

61. The Deputy Prime Minister said that, as the Executive Chairman was not prepared to report to the Council in the terms he had proposed, namely, that Iraq had no weapons of mass destruction or capabilities, no useful purpose could be served by holding any further meetings, either at the policy or expert levels.

62. The Executive Chairman inquired whether Mr. Tariq Aziz was also suggesting terminating cooperation with the Commission in respect of its monitoring operations. The Deputy Prime Minister said that he was not prepared to reply to this inquiry. He would report to the Iraqi leadership on the outcome of his meetings with the Executive Chairman. The leadership would take the required decisions.

63. In reply to a question from the Executive Chairman, the Deputy Prime Minister said there would be no point in meeting again the following day, as had been planned, unless the Executive Chairman was prepared to agree to Iraq's position. Accordingly, no further meeting took place on 4 August.